

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN MICHAEL BALBO,

No. C 09-4573 WHA (PR)

Petitioner,

ORDER OF TRANSFER

vs.

A. HEDGPETH, Warden,

Respondent.

In this habeas case petitioner seeks to challenge a conviction and sentence incurred in the Superior Court of San Bernardino County. San Bernardino County is in the venue of the United States District Court for the Central District of California. 28 U.S.C. 84(c). Petitioner is incarcerated at Salinas Valley State Prison, which is in the venue of this district. *Id.* 84(a).

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, petitions challenging a conviction are preferably heard in the district of conviction. Habeas L.R. 2254-3(a); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Because petitioner was convicted in San Bernardino County, this case is **TRANSFERRED** to the United States District Court for the Central District of California. *See* 28 U.S.C. § 1406(a); Habeas L.R. 2254-3(b).

IT IS SO ORDERED.

Dated: October 15, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE